



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
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David S. Ekern, P.E.
COMMISSIONER

February 15, 2007

Mr. Mike Koontz
Office of Natural and Human Environment
Federal Highway Administration
Air Quality Team
400 Seventh Street, SW
Washington, DC 20590

Re: FHWA Docket No. FHWA-2006-26383
Interim Guidance on the Congestion Mitigation and Air Quality Improvement Program

Dear Mr. Koontz:

The Virginia Department of Transportation (VDOT) appreciates the opportunity to comment on the Federal Highway Administration's (FHWA) Interim Guidance on the Congestion Mitigation and Air Quality Improvement Program (CMAQ) under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

Although VDOT supports the FHWA's goals to improve air quality and relieve congestion by placing a renewed focus on advancing cost-effective emission reduction and congestion mitigation measures, VDOT has a number of concerns related to this draft Guidance and our specific comments are included below.

Section VII(D)(3), Alternate Fuels and Vehicles

Please clarify in the Guidance that emission reduction benefits of alternative fuel projects (e.g., transit buses, hybrid vehicles, etc.) are eligible for transportation conformity credit. The American Association of State Highway and Transportation Officials (AASHTO) sent a letter to the Environmental Protection Agency (EPA) in August 2005 expressing concern about the inconsistent treatment of clean fuel and alternative fuel vehicle projects in conformity determinations throughout the country. VDOT believes that these projects, which reduce pollutant emissions, should be allowed to be credited in transportation conformity analyses. Given the intense competition for CMAQ funds, it is imperative that Metropolitan Planning Organizations (MPOs) and State Department of Transportations understand, with reasonable certainty, what project types will be allowed to receive credit in the transportation conformity process. Agencies and officials will need

this information to better inform decision making on such projects and for the most effective use of CMAQ funds. It is our understanding that AASHTO never received a response from EPA on this issue and we respectfully request that the CMAQ Guidance address this.

Section IX (A), Program Selection - MPO and State Responsibilities

VDOT recommends that the Guidance clearly state where specific pollutant-reducing CMAQ projects are eligible for funding. For example, the Guidance places additional emphasis on diesel retrofit projects, most of which reduce only particulate matter. However, the Guidance doesn't specifically address the eligibility of these projects in, for example, an area that is designated as attainment with the PM standards but is in non-attainment for ozone. VDOT recommends that the Guidance clearly state that eligible CMAQ projects in specific non-attainment or maintenance areas must reduce emissions contributing to the past or present violation of the applicable National Ambient Air Quality Standard (NAAQS) in that area.

Section IX (C), Annual Reports

The annual burden for VDOT to prepare and submit the required CMAQ annual report to FHWA is far more than the six hours noted in the Guidance. VDOT estimates that it takes approximately three to five weeks to compile the necessary data and to complete and submit the report to FHWA.

Appendix 4 - Comparative Cost Effectiveness of Potential CMAQ Funded Projects

Appendix 4 presents information on the comparative cost effectiveness of potential CMAQ projects. This Appendix should include a broad disclaimer noting: 1) the limited survey data used in the referenced National Academy of Sciences' (NAS) study, 2) the study was completed five years ago with data collected perhaps a year or two prior to completion of the report, and, 3) that emission reductions shown in the figures should be updated based on recent changes in emissions factors, technologies, etc., resulting from the implementation of new Federal emission control programs.

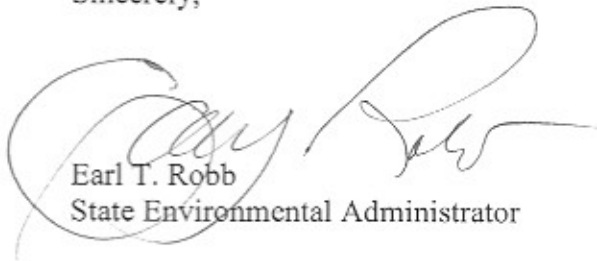
Figures A, B, and C show cost effectiveness ranges for reductions of nitrogen oxides (NOx), volatile organic compounds (VOCs), and particulate matter (PM). VDOT believes that the Guidance and Appendix 4 need to clearly state that certain types of diesel retrofit projects will reduce only PM emissions and therefore should only be eligible for CMAQ funding in PM non-attainment or maintenance areas. On the other hand, some diesel retrofit projects reduce both PM and ozone precursors and those strategies should also be eligible for CMAQ funding in ozone non-attainment or maintenance areas.

Figures B and C focus only on diesel oxidation catalysts (DOCs) and catalyzed diesel particulate filters (CDPF). The Guidance should more clearly acknowledge many other verified retrofit technologies exist that reduce PM and/or ozone precursor emissions, and clarify that all verified EPA or California Air Resource Board (CARB) technologies are eligible for CMAQ funding. You might also consider adding a link in the Guidance to EPA's verification retrofit technology list.

Additionally, VDOT recommends that the emissions and cost-effectiveness estimates be updated to reflect current conditions. Much has changed since the NAS study was completed and many new technologies, such as those for on-road vehicles, are now available and in widespread use. VDOT also recommends that certain strategies, such as I/M and alternative-fuel vehicles, be expanded to account for the wide variation of program and vehicle types, respectively.

Thank you for this opportunity to comment on these important issues concerning the Interim Guidance on the CMAQ Program. Please contact me at (804) 786-4559 with any questions concerning these comments.

Sincerely,

A handwritten signature in dark ink, appearing to read "Earl T. Robb", is written over the typed name and title. The signature is fluid and cursive, with a large initial "E" and "R".

Earl T. Robb
State Environmental Administrator